IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2870 OF 2005
IN
APPEAL NO. 534 OF 2002

Mrs. Dolly P. Tolari ..Appellant

versus

Kirit Ambalal Desai & Ors. ..Respondents

Ms. Kinjal Haria for the Appellant.
Mr. Shetty for the Respondent No.1.

CORAM : DR. S. RADHAKRISHNAN &
S. J. VAZIFDAR, JJ.

DATE : 13TH APRIL, 2006

P.C. :

1. Heard learned counsel for the Appellant and the Respondent No.1 - being original Plaintiff. Presence of other Respondents is not necessary in the above matter.

2. After hearing the learned counsel for the Appellant and the Respondent No.1 for some time, Counsel for the respondent No.1 agrees that in the event the Appellant deposits the balance sum of Rs.8 lacs in this Court, the Respondent No.1 has no

objection for raising of the attachment with regard to the suit flat being Flat No. 14, 'C' Wing, Matru Ashish Co-op. Hsg. Soc. Ltd. 39 Bhulabhai Desai Road (Napeansea Road), Mumbai 400036.

3. In the aforesaid facts and circumstances, the Notice of Motion is made absolute in terms of prayer clause (b) subject to the condition that the said relief will become effective the moment Appellant deposits a sum of Rs.8 lacs in this Court with the Prothonotary & Senior Master. Notice of Motion disposed of accordingly.

(DR. S. RADHAKRISHNAN, J.)

(S. J. VAZIFDAR, J.)